IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9968 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PATEL KAMUBEN CHANDULAL WIFE OF LATE C.S. PATEL

Versus

UNION OF INDIA

Appearance:

1. Special Civil Application No. 9968 of 2003

MR ASIT B JOSHI for Petitioner No. 1

NOTICE SERVED BY DS for Respondent No. 1

MS PJ DAVAWALA for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 30/07/2004

ORAL JUDGEMENT

1. Rule. Ms.P J Davawala, learned Additional

Central Government Standing Counsel waives service of rule. At the request of learned counsel for the parties the petition is finally heard today.

2. The petitioner states that through inadvertence her date of birth is wrongly mentioned in the Passport and the respondent authority has refused to entertain her request to correct the said mistake. According to the petitioner the correct date of birth is 01.04.1934 instead of 01.06.1928 in the Passport No.E-0136587.

3. Learned counsel for the respondent states that only on the basis of material given by the petitioner the date of birth was recorded in the passport. She further stated that no change in the passport is effected, but for making any correction in the passport, a new passport is normally issued by the authority with correct details if the authority is satisfied with the genuineness of the data to be corrected.

4. Having heard the parties and looking to the facts and circumstances and also the material placed on record, the respondent is directed to look into the case of the petitioner on the basis of the evidence already adduced or which may be adduced by the petitioner in support of her case to correct the date of birth as mentioned above. The respondent shall take appropriate decision in accordance with law after considering the relevant evidence adduced before him and shall pass an appropriate order as expeditiously as possible.

5. As the respondent authority will have to undertake the exercise of scrutinizing the case of the petitioner afresh because of the default committed by the petitioner in not placing correct facts at an earlier point of time, a sum of Rs. 5,000/- is ordered to be paid by the petitioner to the respondent authority by way of costs.

6. Accordingly the petition is allowed to the aforesaid extent. Rule is made absolute. D.S. permitted.

[K.S. JHAVERI J.]

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